

93.032 ACTIVITIES ON CERTAIN RIGHT-OF-WAYS

WHEREAS, the City of Lanesboro has a downtown commercial district, which is bisected by State Highway 250. Additionally, the Root River recreational trail, used heavily by bicyclists, passes through said downtown commercial district; and,

WHEREAS, on either side of, and directly abutting, said State Highway 250, are sidewalks. Next to said sidewalks are various commercial (store front) businesses. The sidewalks, lying between said State Aid Highway 250 and said business, are heavily travelled by pedestrians and bicyclists wheeling bicycles; and,

WHEREAS, the City of Lanesboro has an Ordinance, Section 605 of the Lanesboro Ordinance Code, regulating and prohibiting obstructions on public ways. Said Ordinance does prohibit any obstructions on public ways, which would include the aforesaid sidewalks in the downtown commercial district. Minn. Stat. §160.27 also regulates encroachments or obstructions on public right-of-ways; and,

WHEREAS, the City of Lanesboro recognizes the following unique circumstances exist within the City:

- a. The City of Lanesboro and its tourism industry depends, to a large extent, upon bicycle activity and the use of bicycles in the City limits. The City also recognizes that Minn. Stat. §169.222 allows bicycles to be parked on a sidewalk, unless otherwise prohibited by local ordinance.
- b. Due to patronage by bicyclists at the businesses located along the aforesaid sidewalk in the downtown commercial district, there is a distinct tendency for bicyclists to walk or park their bicycles on said sidewalks.
- c. Certain merchants wish to rent bicycles from their store fronts adjoining the aforesaid sidewalk, and said rentals reasonably include a certain portion of the sidewalks for display of, delivery of, and return of rental bicycles.
- d. There is a need to place bicycle racks, on a limited and reasonable basis, on said sidewalks, for use of bicycle visitors to the businesses in said commercial district.
- e. There is a need to strike a balance between the use of and rental of said bicycles on said sidewalks against the need to have a safe and attractive commercial district for the general public.

WHEREAS, the City of Lanesboro FINDS as follows:

1. That there is a need to keep the downtown area free and clear of, as much as possible, pedestrian obstructions and visual clutter. However, that purpose can be achieved without the need to completely ban all bicycles, or the rental thereof, from the sidewalks in the downtown business district.
2. That any obstructions to the sidewalk and free passage thereon, caused by placement of bicycles thereon, should be tolerated to a certain degree, given the tourism industry and connection with the Root River recreational trail, as above mentioned. In other words, the City distinguishes between obstructions on the sidewalk that are related to the use and rental of bicycles, and those that are not so related. The City also considers temporary commercial obstructions on the sidewalk to be less intrusive and troublesome than permanent commercial obstructions, distinguishing, however, those potential

obstructions that are in the nature of parts of or fixtures to building or their entrances, such as steps, which are primarily regulated by building and zoning rules and regulations.

3. The City of Lanesboro wishes to allow certain non-commercial placements on the sidewalks, such as rest area benches or aesthetic items, such a flower pots.

4. A permanent process should be established so that the City has control over placement of any sort of obstruction on the public sidewalks in the City of Lanesboro.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LANESBORO:

The City of Lanesboro does hereby allow the following obstructions on the sidewalks in the downtown commercial district: 1. Allowable Obstructions.

- a. Bicycles. Bicycles being walked thereon by its operator, or bicycle rentals, or return of said rentals, as long as said activity is done in a reasonable and safe manner.

For the purposes of bicycle rentals, rentals shall not occur from, nor bicycles be parked on, any portion of the sidewalk closer than seven (7) feet to the roadway curb. Bicycles shall not be parked more than seven (7) feet width-wise, across the sidewalk in front of a storefront. Said width shall be measured from the end of any bike display to the other end of said display, and shall include any spaces in between. Bicycles shall be kept in approved bike racks, provided at the expense of the permit applicant.

- b. Comfort or Aesthetic Items. Also allowable on the

sidewalks shall be such public benches for resting, garbage receptacles, and flower boxes or urns.

2. Rental Bicycles. Rental bicycles shall not remain on the sidewalk after 9:00 o'clock p.m. on any day of the week or week-end, and shall not be deposited on the sidewalk any earlier than 6:00 o'clock a.m. during any day of the week or week-end.

3. Commercial Activity on Limitation to Rentals and Sales on Sidewalks. No other commercial sale, lease, or other sale or rental activity shall occur on the City sidewalk, except bicycle rentals, or bicycle activity, except as otherwise provided herein.

4. Permits and Insurance. No sidewalk obstructions or

placements shall occur until written permission, by way of a permit, is given in advance by the City of Lanesboro. Said permit shall regulate, in all respects, the terms under which said obstructions or placements may exist. Any obstruction or placement allowed on the sidewalk, of whatever nature, shall be preceded by proof that said placement or obstructions are continually covered by liability insurance, chargeable to the person or business seeking to place said obstructions, and said obstructions shall only be allowed as long as said insurance is in full force and effect. Said insurance, as to amount and coverage, shall be approved in advance by the City of Lanesboro, before any permit can be effective.

5. Special Events. Notwithstanding any other provision to the contrary, the City of Lanesboro may allow temporary placements on the sidewalks, on occasions connected with special events or promotions of a City-wide nature, and promoted by a recognized business or trade group. For example, if the Lanesboro business association wishes to have an evening, day or possibly week-end for sidewalk sales for a "Crazy

Days" or other special event, that may be allowed, but only by City Council permit given in advance. The City Council may establish conditions, including insurance requirements, if it deems necessary, in said permits.

6. Cost of Permit. The cost of obtaining a permit, for any obstruction, shall be paid for by the applicant, and shall be due in advance before the permit is issued. The City Council shall establish an amount or schedule of amounts for permits fees.

7. Violation. A violation of this Ordinance shall be deemed to be a Misdemeanor, punishable by the maximum penalty allowed under Minnesota State Law. In addition, the City of Lanesboro does retain all of its civil rights and remedies, including the right to enjoin or seek an Order removing said obstructions, all at the cost of the violating party.